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Paper No. 00

In re Application of  
Dillis V. Allen  
Application No. 09/614,107  
Filed: July 12, 2000  
Attorney Docket No. G-33

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: DECISION ON PETITION  
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This is a decision on the petition filed on May 27, 2003 (37 CFR 1.8(a) certificate of mailing dated May 19, 2003) by which petitioner requests withdrawal of the finality of the Office letter dated February 19, 2003 so that the concurrently filed amendment will be entered as a matter of right under 37 CFR 1.111. No fee is required for the petition, and a refund of the \$130.00 petition fee will be made in due course.

The petition is dismissed as haven been untimely filed.

37 CFR 1.181(f) reads:

"§ 1.181 Petition to the Commissioner.

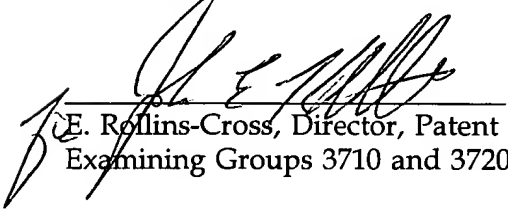
...

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable."

It appears that the instant petition was filed more than two months subsequent to the date of the final Office action. The petition is, therefore, untimely filed.

This application is being forwarded to the examiner for consideration of the concurrently filed amendment. After an appropriate action is rendered on the amendment, the application will be forwarded to the Head Supervisory Applications Examiner to schedule a refund of the \$130.00 petition fee.

PETITION DISMISSED.

  
E. Rollins-Cross, Director, Patent  
Examining Groups 3710 and 3720

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